

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 23-CV-24481-ALTMAN

MICHAEL SIZEMORE, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CRISTIANO RONALDO,

Defendant.

_____ /

NOTICE OF FILING SUPPLEMENTAL AUTHORITY

In support of his Motion to Dismiss, or, in the alternative, Motion to Compel Arbitration (see D.E. 29 at pp. 34-40), Defendant submits the order granting the defendants' motion to compel arbitration in *Lockhart v. BAM Trading Services Inc., et al.*, No. 3:22-cv-03461 (N.D. Cal. Apr. 26, 2024) (the "Order," attached as Exhibit A).

In considering the same exact Terms of Use at issue in this case, and granting the Motion to Compel Arbitration, the court held that (1) "incorporation of the AAA rules is clear and unmistakable evidence" of intent to delegate issues of arbitrability to the arbitrator (Order § II); and (2) the delegation clause in the Terms of Use is not procedurally or substantively unconscionable, nor is it a contract of adhesion because (i) there is no mandatory or onerous pre-arbitration dispute process, or "artfully hidden" terms in the AAA rules; and (ii) the Terms of Use's lack of mutuality, unilateral amendment provision, fee schedule, or limitation of liability provision do not establish substantive unconscionability (Order § III). The court also held that a non-

signatory can enforce an arbitration agreement under the doctrines of agency and equitable estoppel, including because the plaintiff alleged concerted conduct by the defendants. (Order § IV).

Dated: May 3, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 3, 2024, the foregoing was filed with the Clerk of Court using CM/ECF, which will serve a Notice of Electronic Filing on all counsel of record.

By: /s/ Daniel E. González
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